

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

KAI K. JOHNSON,	:	Civil No. 2:21-cv-10882-TGB-JJCG
	:	
<i>Plaintiff,</i>	:	Hon. Terrence G. Berg
	:	United States District Judge
	:	
v.	:	Hon. Jonathan J.C. Grey
	:	United States Magistrate Judge
	:	
KILOLO KIJAKAZI, <sup>1</sup>	:	
COMMISSIONER OF	:	
SOCIAL SECURITY,	:	
	:	
<i>Defendant.</i>	:	

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**STIPULATION TO REMAND TO THE COMMISSIONER**

Pursuant to sentence four of 42 U.S.C. § 405(g), the parties stipulate that the Court should enter an order remanding the above-captioned case to the Commissioner for further administrative action. Upon remand, the Appeals Council will vacate its denial of the request for review, dated July 7, 2020, and provide the claimant the opportunity to review and comment on the record, and to submit additional evidence in support of the claim. Thereafter, the Council will

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<sup>1</sup> Kilolo Kijakazi became the Acting Commissioner of Social Security on July 9, 2021. Pursuant to Rule 25(d) of the Federal Rules of Civil Procedure, Kilolo Kijakazi should be substituted, therefore, for Andrew Saul as the defendant in this suit. No further action need be taken to continue this suit by reason of the last sentence of section 205(g) of the Social Security Act, 42 U.S.C. § 405(g).

reconsider the claimant's request for review.

Respectfully submitted,

SAIMA S. MOHSIN  
Acting United States Attorney

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<sup>2</sup> Signed with consent obtained by email by Special Assistant United States Attorney Louis J. George, received on November 3, 2021.

<sup>3</sup> Of Counsel: Zak Toomey, Assistant United States Attorney, 211 Fort Street, Suite 2001, Detroit, MI 48226.

### **CERTIFICATE OF SERVICE**

I hereby certify that on November 3, 2021, I electronically filed the foregoing Stipulation to Remand to the Commissioner, together with the attached Proposed Order and Judgment, with the Clerk of Court using the ECF system. Copies of the filed documents will be sent to all parties in accordance with the Court's Electronic Filing Policies and Procedures, Rule 11(b).

/s/ Louis J. George

Louis J. George

Special Assistant United States Attorney

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COMMISSIONER OF	:	
SOCIAL SECURITY,	:	
	:	
<i>Defendant.</i>	:	

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**ORDER REMANDING CASE UNDER**  
**SENTENCE FOUR PER PARTIES' STIPULATION**

The parties' Stipulation to Remand to the Commissioner is granted, and this case is remanded to the Commissioner for further proceedings under sentence four of 42 U.S.C. § 405(g). Upon remand, the Appeals Council will vacate its denial of the request for review, dated July 7, 2020, and provide the claimant the opportunity to review and comment on the record, and to submit additional evidence in support of the claim. Thereafter, the Council will reconsider the claimant's request for review.

Date: November 4, 2021

/s/Terrence G. Berg  
TERRENCE G. BERG  
United States District Judge

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COMMISSIONER OF	:	
SOCIAL SECURITY,	:	
	:	
<i>Defendant.</i>	:	

/

**J U D G M E N T**

In accordance with the Order Remanding Case Under Sentence Four Per  
Parties' Stipulation entered on this date,

It is ORDERED AND ADJUDGED that the case is REMANDED to the  
Commissioner of Social Security for further proceedings in accordance with that  
order.

Date: November 4, 2021

/s/Terrence G. Berg  
TERRENCE G. BERG  
United States District Judge